

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

Larry Dean Hatten, Jr.

Case No. 09-31606

Debtor.

**OBJECTION TO PROOF OF CLAIM OF
US BANK NATIONAL ASSOC.**

NOW COMES DEBTOR by and through his attorney of record, and objects to the Proof of Claim of US Bank National Assoc. as filed in this case. Debtor's objection is based upon his belief that:

- 1. Debtor filed his original Petition and Plan under Chapter 13 on June 19, 2009.**
- 2. In the schedules filed by Debtor contemporaneously with his Plan, Debtor scheduled no arrears claim to US Bank National Assoc.**
- 3. On or about July 2, 2009, US Bank National Assoc. filed a Proof of Claim alleging the existence of a pre-petition mortgage arrears claim of \$1,165.27.**
- 4. Debtor believes and therefore alleges that he has not been credited with all payments made by him from May, 2009 through June, 2009.**
- 5. It would be in the best interest of justice and this party that the mortgage holder, US Bank National Assoc., be ordered to provide Debtor with an account transaction showing all payments and other activity in connection with the mortgage loan from May, 2009 through June, 2009.**
- 6. Debtor believes and so alleges that the he owes no mortgage arrears to US Bank National Assoc.**

WHEREFORE DEBTOR PRAYS THE COURT AS FOLLOWS:

- 1. That after notice and a hearing, this Court sustain Debtor's objection to the Proof of Claim as filed by US Bank National Assoc.**

2. That as part of any response to Debtor's Objection, US Bank National Assoc. be required to furnish Debtors and their attorney an account transaction history respecting the mortgage account from May, 2009 through June, 2009.
3. That the arrears claim of US Bank National Assoc. be withdrawn.

This the 13th day of August, 2009.

By: _____
Geoffrey A. Planer
Attorney for Debtor(s)
N.C. State Bar No.: 6338
Post Office Box 1596
216 S. Marietta Street
Gastonia, NC 28053-1596
(704) 864-0235

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

Larry Dean Hatten, Jr.)	Case No. 09-31606
)	
)	Chapter 13
Debtor.)	
)	
)	NOTICE OF HEARING
_____)	

TAKE NOTICE that Debtor has filed papers with the Court to object to the Proof of Claim of US Bank National Assoc.. A copy of Debtor's motion accompanies this notice.

TAKE NOTICE THAT YOUR RIGHTS MAY BE AFFECTED. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

TAKE NOTICE that if you do not want the Court to allow the objection to the Proof of Claim of US Bank National Assoc., or if you want the Court to consider your views on the motion, then on or before August 31, 2009, you or your attorney may:

- 1) File with the Court a written Response (an answer, explaining your position) at:

U.S. Bankruptcy Court
Western District of North Carolina
Charlotte Division
Post Office Box 34189
Charlotte, NC 28234-4189

If you mail your Response to the Court for filing, you must mail it early enough so that the Court will receive it on or before the date stated above.

- 2) If you file a Response, you must also mail a copy to:

Geoffrey A. Planer, Esq.
Post Office Box 1596
Gastonia, North Carolina 28053-1596

- 3) A hearing will be held on: September 15, 2009 at 2:30 p.m. at the US Bankruptcy Court, 401 W. Trade Street, Courtroom #126, Charlotte, North Carolina. Any interested party may appear thereat and be heard.

All interested parties may attend and be heard. (If you do not oppose this Motion, you do not have to attend.)

TAKE FURTHER NOTICE that if you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.

Dated this the 13th day of August, 2009.

By: _____
Geoffrey A. Planer, Attorney for Debtor(s)
N.C. State Bar No.: 6338
216 South Marietta St. / P.O. Box 1596
Gastonia, NC 28053-1596
Phone: (704) 864-0235
Fax: (704) 864-3396